

SECOND REGULAR SESSION

HOUSE BILL NO. 1059

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HAYWOOD.

Pre-filed December 3, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2459L.011

AN ACT

To amend chapter 578, RSMo, by adding thereto one new section relating to vicious animals, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 578, RSMo, is amended by adding thereto one new section, to be
2 known as section 578.024, to read as follows:

**578.024. 1. A person commits the crime of failure to control a vicious animal if that
2 person has custody or ownership or both of a vicious animal and fails to provide adequate
3 control, which results in:**

4 **(1) Physical injury to another person; or**

5 **(2) Death of another person.**

6 **2. As used in this section the following terms shall mean:**

7 **(1) "Adequate control", to reasonably restrain or govern a vicious animal so that
8 the animal does not injure any person who is outside of any enclosure which belongs to or
9 is in the lawful possession of the owner or custodian of such animal;**

10 **(2) "Animal", every living vertebrate except a human being;**

11 **(3) "Vicious animal", any animal that has previously caused unprovoked physical
12 injury or death to any person while under the control of its current owner or custodian.**

13 **3. Failure to control a vicious animal if committed pursuant to subdivision (1) of
14 subsection 1 of this section is a class C misdemeanor unless the defendant has previously
15 pled guilty to or has been found guilty of failure to control a vicious animal, in which case
16 it is a class A misdemeanor. Failure to control a vicious animal if committed pursuant to
17 subdivision (2) of subsection 1 of this section is a class A misdemeanor unless the defendant
18 has previously pled guilty to or has been found guilty of failure to control a vicious animal,**

19 in which case it is a class D felony.

20 4. Upon motion of the prosecuting attorney the court shall order any duly
21 authorized public health official, law enforcement official, or animal control officer to
22 impound the vicious animal by placing it in the care or custody of a veterinarian, the
23 appropriate animal control authority, or any animal shelter pending a verdict in the case.
24 The animal shall not be disposed of prior to a verdict in the case unless it is diseased or
25 disabled beyond recovery for any useful purpose as determined by a public health official,
26 law enforcement official, veterinarian, or animal control officer, in which case it shall be
27 humanely killed.

28 5. Upon a plea of guilty or a finding of guilt the court shall order that the vicious
29 animal be humanely killed. Upon a finding of not guilty, the vicious animal shall be
30 returned to the owner or custodian of such animal unless it has previously been humanely
31 killed pursuant to subsection 4 of this section.